

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERY TY GRIFFEY,

No. C 01-03483 WHA

Petitioner,

v.

**WRIT OF HABEAS CORPUS**

BOB HOREL, Warden, California State  
Prision, Solano,

Respondent.


On April 10, 2006, the Ninth Circuit reversed the district court's denial of Tery Ty Griffey's petition for a writ of habeas corpus. The Ninth Circuit remanded the case to the district court with instructions to "grant a conditional writ of habeas corpus instructing the State that it may either retry Griffey within an appropriate period to be determined by the district court, or release him from custody." *Griffey v. Hubbard*, No. 04-16451, slip op. at 2 (unpublished). The mandate was filed in the district court May 10. Two days later, the case was reassigned to the undersigned. The parties agreed on May 22 that the Court should enter judgment to carry out the remand orders of the Ninth Circuit (Stipulation for Entry of J. Upon Remand).

The Court therefore orders the state to release petitioner Tery Ty Griffey from custody or initiate retrial proceedings against him. The state has until August 24, 2006, to initiate retrial

proceedings. If no such proceedings have been initiated by that date, the state must release petitioner no later than August 25, 2006.\*

**IT IS SO ORDERED.**

Dated: May 24, 2006

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

\* Bob Horel is substituted as respondent for Sue Hubbard, who was warden when the answer was filed.